

TREATY WITH THE WALLA-WALLAS, &c. JUNE 9, 1855.

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Treaty between the United States and the Walla-Walla, Cayuses, and Umatilla Tribes and Bands of Indians in Washington and Oregon Territories. Concluded at Camp Stevens, in the Walla-Walla Valley, Washington Territory, June 9, 1855. Ratified by the Senate, March 8, 1859. Proclaimed by the President of the United States, April 11, 1859.

JAMES BUCHANAN,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING: June 9, 1855.

WHEREAS a treaty was made and concluded at the treaty ground, Camp Stevens, in the Walla-Walla Valley on the ninth day of June, one thousand eight hundred and fifty-five, between Isaac I. Stevens, governor and superintendent of Indian affairs for the Territory of Washington, and Joel Palmer, superintendent of Indian affairs for Oregon Territory, on the part of the United States, and the hereinafter named chiefs, headmen and delegates of the Walla-Walla, Cayuses and Umatilla tribes and bands of Indians, occupying lands partly in Washington and partly in Oregon Territory, they being duly authorized thereto by said tribes and bands; which treaty is in the following words and figures, to wit:

Preamble.

Articles of agreement and convention made and concluded at the treaty ground, Camp Stevens, in the Walla-Walla Valley, this ninth day of June, in the year one thousand eight hundred and fifty-five, by and between Isaac I. Stevens, governor and superintendent of Indian affairs for the Territory of Washington, and Joel Palmer, superintendent of Indian affairs for Oregon Territory, on the part of the United States, and the undersigned chiefs, headmen, and delegates of the Walla-Walla, Cayuses, and Umatilla tribes, and bands of Indians, occupying lands partly in Washington and partly in Oregon Territories, and who, for the purposes of this treaty, are to be regarded as one nation acting for and in behalf of their respective bands and tribes, they being duly authorized thereto; it being understood that Superintendent I. I. Stevens assumes to treat with that portion of the above named bands and tribes residing within the Territory of Washington, and Superintendent Palmer with those residing within Oregon.

Contracting parties.

ARTICLE I The above named confederated bands of Indians cede to the United States all their right, title, and claim to all and every part of the country claimed by them, included in the following boundaries, to wit: Commencing at the mouth of the Tocannon River, in Washington Territory, running thence up said river to its source; thence easterly along the summit of the Blue Mountains, and on the southern boundaries of the purchase made of the Nez Percés Indians, and easterly along that boundary to the western limits of the country claimed by the Shoshonees or Snake Indians; thence southerly along that boundary (being the waters of Powder River) to the source of Powder River, thence to the head waters of Willow Creek, thence down Willow Creek to the Columbia River, thence up the channel of the Columbia River to the lower end of a large island below the mouth of Umatilla River, thence northerly to a point on the Yakama River, called Tohmah-luke, thence to Le Lac, thence to the White banks on the Columbia below Priest's Rapids, thence down the Columbia River to the junction of the Columbia and Snake Rivers, thence up the Snake River to the place of beginning: *Provided, however, That so much*

Cession of lands to the United States. Boundaries.

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Boundaries.

Reservation.

of the country described above as is contained in the following boundaries shall be set apart as a residence for said Indians, which tract for the purposes contemplated shall be held and regarded as an Indian reservation; to wit: Commencing in the middle of the channel of Umatilla River opposite the mouth of Wild Horse Creek; thence up the middle of the channel of said creek to its source, thence southerly to a point in the Blue Mountains, known as Lee's Encampment, thence in a line to the headwaters of Howtome Creek, thence west to the divide between Howtome and Birch Creeks, thence northerly along said divide to a point due west of the southwest corner of William C. McKay's land claim, thence east along his line to his southeast corner, thence in a line to the place of beginning; all of which tract shall be set apart and, so far as necessary, surveyed and

Whites not to reside thereon, unless, &c.

Tribes to settle thereon in a year.

Rights and privileges secured to the Indians.

Proviso in case any tribe does not accede to this treaty.

Allowance for improvements, if, &c.

Payments by the United States.

How to be expended.

marked out for their exclusive use; nor shall any white person be permitted to reside upon the same without permission of the agent and superintendent. The said tribes and bands agree to remove to and settle upon the same within one year after the ratification of this treaty, without any additional expense to the government other than is provided by this treaty, and until the expiration of the time specified, the said bands shall be permitted to occupy and reside upon the tracts now possessed by them, guaranteeing to all citizen[s] of the United States, the right to enter upon and occupy as settlers any lands not actually enclosed by said Indians: *Provided, also*, That the exclusive right of taking fish in the streams running through and bordering said reservation is hereby secured to said Indians, and at all other usual and accustomed stations in common with citizens of the United States, and of erecting suitable buildings for curing the same; the privilege of hunting, gathering roots and berries and pasturing their stock on unclaimed lands in common with citizens, is also secured to them. *And provided, also*, That if any band or bands of Indians, residing in and claiming any portion or portions of the country described in this article, shall not accede to the terms of this treaty, then the bands becoming parties hereunto agree to reserve such part of the several and other payments herein named, as a consideration for the entire country described as aforesaid, as shall be in the proportion that their aggregate number may have to the whole number of Indians residing in and claiming the entire country aforesaid, as consideration and payment in full for the tracts in said country claimed by them. *And provided, also*, That when substantial improvements have been made by any member of the bands being parties to this treaty, who are compelled to abandon them in consequence of said treaty, [they] shall be valued under the direction of the President of the United States, and payment made therefor.

ARTICLE II. In consideration of and payment for the country hereby ceded, the United States agree to pay the bands and tribes of Indians claiming territory and residing in said country, and who remove to and reside upon said reservation, the several sums of money following, to wit: eight thousand dollars per annum for the term of five years, commencing on the first day of September, 1856; six thousand dollars per annum for the term of five years next succeeding the first five; four thousand dollars per annum for the term of five years next succeeding the second five, and two thousand dollars per annum for the term of five years next succeeding the third five; all of which several sums of money shall be expended for the use and benefit of the confederated bands herein named, under the direction of the President of the United States, who may from time to time at his discretion determine what proportion thereof shall be expended for such objects as in his judgment will promote their well-being, and advance them in civilization, for their moral improvement and education, for buildings, opening and fencing farms, breaking land, purchasing teams, wagons, agricultural implements and seeds, for clothing, provision and tools, for medical purposes, providing mechanics and farmers, and for arms and ammunition.

ARTICLE III. In addition to the articles advanced the Indians at the time of signing this treaty, the United States agree to expend the sum of fifty thousand dollars during the first and second years after its ratification, for the erection of buildings on the reservation, fencing and opening farms, for the purchase of teams, farming implements, clothing, and provisions, for medicines and tools, for the payment of employes, and for subsisting the Indians the first year after their removal.

ARTICLE IV. In addition to the consideration above specified, the United States agree to erect at suitable points on the reservation, one saw-mill, and one flouring-mill, a building suitable for a hospital, two school-houses, one blacksmith shop, one building for wagon and ploughmaker and one carpenter and joiner shop, one dwelling for each, two millers, one farmer, one superintendent of farming operations, two school teachers, one blacksmith, one wagon and ploughmaker, one carpenter and joiner, to each of which the necessary out buildings. To purchase and keep in repair for the term of twenty years all necessary mill fixtures and mechanical tools, medicines and hospital stores, books and stationery for schools, and furniture for employes.

The United States further engage to secure and pay for the services and subsistence, for the term of twenty years, [of] one superintendent of farming operations, one farmer, one blacksmith, one wagon and ploughmaker, one carpenter and joiner, one physician, and two school teachers.

ARTICLE V. The United States further engage to build for the head chiefs of the Walla-Walla, Cayuse, and Umatilla bands each one dwelling-house, and to plough and fence ten acres of land for each, and to pay to each five hundred dollars per annum in cash for the term of twenty years. The first payment to the Walla-Walla chief to commence upon the signing of this treaty. To give to the Walla-Walla chief three yoke of oxen, three yokes and four chains, one wagon, two ploughs, twelve hoes, twelve axes, two shovels, and one saddle and bridle, one set of wagon harness, and one set of plough harness, within three months after the signing of this treaty.

To build for the son of Plo-pio-mox-mox one dwelling-house, and plough and fence five acres of land, and to give him a salary for twenty years, one hundred dollars in cash per annum, commencing September first, eighteen hundred and fifty-six.

The improvement named in this section to be completed as soon after the ratification of this treaty as possible.

It is further stipulated that Plo-pio-mox-mox is secured for the term of five years, the right to build and occupy a house at or near the mouth of Yakama River, to be used as a trading post in the sale of his bands of wild cattle ranging in that district. *And provided, also*, That in consequence of the immigrant wagon road from Grand Round to Umatilla, passing through the reservation herein specified, thus leading to turmoils and disputes between Indians and immigrants, and as it is known that a more desirable and practicable route may be had to the south of the present road, that a sum not exceeding ten thousand dollars shall be expended in locating and opening a wagon road from Powder River or Grand Round, so as to reach the plain at the western base of the Blue Mountains, south of the southern limits of said reservation.

ARTICLE VI. The President may, from time to time at his discretion cause the whole or such portion as he may think proper, of the tract that may now or hereafter be set apart as a permanent home for those Indians, to be surveyed into lots and assigned to such Indians of the confederated bands as may wish to enjoy the privilege, and locate thereon permanently, to a single person over twenty-one years of age, forty acres, to a family of two persons, sixty acres, to a family of three and not exceeding five, eighty acres; to a family of six persons and not exceeding ten, one hundred and twenty acres; and to each family over ten in number, twenty

United States to expend \$50,000 for buildings, &c.

to erect saw-mills, schools, mechanics' shops, &c.

to employ mechanics, teachers, &c.

to build dwelling-houses, &c. for head chiefs.

Plo-pio-mox-mox.

\$10,000 to be expended for opening wagon road from Powder River.

Allotments of land may be made to individual Indians.

acres to each additional three members; and the President may provide for such rules and regulations as will secure to the family in case of the death of the head thereof, the possession and enjoyment of such permanent home and improvement thereon; and he may at any time, at his discretion, after such person or family has made location on the land assigned as a permanent home, issue a patent to such person or family for such assigned land, conditioned that the tract shall not be aliened or leased for a longer term than two years, and shall be exempt from levy, sale, or forfeiture, which condition shall continue in force until a State constitution, embracing such land within its limits, shall have been formed and the legislature of the State shall remove the restriction: *Provided, however,* That no State legislature shall remove the restriction herein provided for without the consent of Congress: *And provided, also,* That if any person or family, shall at any time, neglect or refuse to occupy or till a portion of the land assigned and on which they have located, or shall roam from place to place, indicating a desire to abandon his home, the President may if the patent shall have been issued, cancel the assignment, and may also withhold from such person or family their portion of the annuities or other money due them, until they shall have returned to such permanent home, and resumed the pursuits of industry, and in default of their return the tract may be declared abandoned, and thereafter assigned to some other person or family of Indians residing on said reservation: *And provided, also,* That the head chiefs of the three principal bands, to wit, Pio-pio-mox-mox, Weyatenatemany, and Wenap-snoot, shall be secured in a tract of at least one hundred and sixty acres of land.

ARTICLE VII. The annuities of the Indians shall not be taken to pay the debts of individuals.

ARTICLE VIII. The confederated bands acknowledge their dependence on the government of the United States and promise to be friendly with all the citizens thereof, and pledge themselves to commit no depredation on the property of such citizens, and should any one or more of the Indians violate this pledge, and the fact be satisfactorily proven before the agent, the property taken shall be returned, or in default thereof, or if injured or destroyed, compensation may be made by the government out of their annuities; nor will they make war on any other tribe of Indians except in self-defence, but submit all matter of difference between them and other Indians, to the government of the United States or its agents for decision, and abide thereby; and if any of the said Indians commit any depredations on other Indians, the same rule shall prevail as that prescribed in the article in case of depredations against citizens. Said Indians further engage to submit to and observe all laws, rules, and regulations which may be prescribed by the United States for the government of said Indians.

ARTICLE IX. In order to prevent the evils of intemperance among said Indians, it is hereby provided that if any one of them shall drink liquor, or procure it for others to drink, [such one] may have his or her proportion of the annuities withheld from him or her for such time as the President may determine.

ARTICLE X. The said confederated bands agree that, whenever in the opinion of the President of the United States the public interest may require it, that all roads highways and railroads shall have the right of way through the reservation herein designated or which may at any time hereafter be set apart as a reservation for said Indians.

ARTICLE XI. This treaty shall be obligatory on the contracting parties as soon as the same shall be ratified by the President and Senate of the United States.

In testimony whereof, the said I. I. Stevens and Joel Palmer, on the part of the United States, and the undersigned chiefs, headmen, and dele-

Patents may
issue therefor.
Conditions.

Restriction not
to be removed,
unless, &c.

Assignment of
patent may be
cancelled, &c.

Certain head
chiefs to have
160 acres.

Annuities of
Indians not to
pay debts of in-
dividuals.

Bands to pre-
serve friendly re-
lations, &c.

to pay &c. for
depredations.

not to make
war, except, &c.

to submit to
regulations.

Annuities with-
held from those
drinking liquor.

Right of way
reserved for roads
through reserva-
tion.

When treaty to
take effect.

Signatures,
June 9, 1855.

gates of the said confederated bands, have herunto set their hands and seals, this ninth day of June, eighteen hundred and fifty-five.

ISAAC I. STEVENS, [L. S.]

Governor and Superintendent Washington Territory.

JOEL PALMER, [L. S.]

Superintendent Indian Affairs, O. T.

PIO-PIO-MOX-MOX, his x mark. [L. S.]

Head Chief of Walla-Wallus.

MEANI-TEAT or Pierre, his x mark. [L. S.]

WEYATENATEMANY, his x mark. [L. S.]

Head Chief of Cayuses.

WENAP-SNOOT, his x mark. [L. S.]

Head Chief of Umatilla.

KAMASPELLO, his x mark. [L. S.]

STEACHIUS, his x mark. [L. S.]

HOWLISH-WAMPO, his x mark. [L. S.]

FIVE CROWS, his x mark. [L. S.]

STOCHEANIA, his x mark. [L. S.]

MU-HOWLISH, his x mark. [L. S.]

LIN-TIN-MET-CHEANTA, his x mark. [L. S.]

PETAMYO-MOX-MOX, his x mark. [L. S.]

WATASH-TE-WATY, his x mark. [L. S.]

SHE-YAM-NA-KON, his x mark. [L. S.]

QUA-CHIM, his x mark. [L. S.]

TE-WALGA-TEMANY, his x mark. [L. S.]

KEANTOAN, his x mark. [L. S.]

U-WAIT-QUAICK, his x mark. [L. S.]

TU-CH-A-WAIX, his x mark. [L. S.]

LA-TA-CHIN, his x mark. [L. S.]

KACHO-ROLICH, his x mark. [L. S.]

KANOCEY, his x mark. [L. S.]

SOM-NA-HOWLISH, his x mark. [L. S.]

TA-WE-WAY, his x mark. [L. S.]

HA-HATS-ME-CHEAT-PUS, his x mark. [L. S.]

PENA-CHIRANIT, his x mark. [L. S.]

HA-YO-MA-KIN, his x mark. [L. S.]

YA-CA-LOX, his x mark. [L. S.]

NA-KAS, his x mark. [L. S.]

STOP-CHIA-YEON, his x mark. [L. S.]

HE-YEAU-SHE-KEAUT, his x mark. [L. S.]

SHA-WA-WAY, his x mark. [L. S.]

TAM-CHIA-KEY, his x mark. [L. S.]

TE-NA-WE-NA-CHA, his x mark. [L. S.]

JOHNSON, his x mark. [L. S.]

WHE-LA-CHEY, his x mark. [L. S.]

Signed in the presence of—

JAMES DOTY, Secretary Treaties.

WM. C. MCKAY, Secretary Treaties.

C. CHIROUSE, O. M. I.

A. D. PAMBURN, Interpreter.

JOHN WHITFORD, his x mark, Interpreter.

MATHEW DOFA, his x mark, Interpreter.

WILLIAM CRAIG, Interpreter.

JAMES COXEY, his x mark, Interpreter.

PATRICK MCKENZIE, Interpreter.

ARTH. GRACIE, JR., Brevet Second Lieutenant 4th Infantry.

R. B. THOMPSON, Indian Agent.

R. B. METCALFE, Indian Sub-Agent.

Consent of Senate,
March 8,
1859.

And whereas the said treaty was submitted to the Senate of the United States for its constitutional action thereon, and the said Senate did, on the eighth day of March, one thousand eight hundred and fifty-nine, advise and consent to the ratification of the same, by a resolution, in the words and figures following, to wit:

"IN EXECUTIVE SESSION,

"SENATE OF THE UNITED STATES, March 8, 1859.

"Resolved, (two thirds of the senators present concurring,) That the Senate advise and consent to the ratification of [the] treaty between the United States and the chiefs, headmen and delegates of the Walla-Wallus, Cayuses and Umatilla tribes of Indians occupying lands partly in Washington and partly in Oregon Territories, and signed the 9th day of June, 1855.

"Attest:

"ASBURY DICKINS, Secretary."

Proclamation,
April 11, 1859.

Now, therefore, be it known that I, JAMES BUCHANAN, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of March the eighth, one thousand eight hundred and fifty-nine, accept, ratify, and confirm said treaty.

In testimony whereof, I have caused the seal of the United States to be hereto affixed, and have signed the same with my hand.

Done at the City of Washington, this eleventh day of April,
in the year of our Lord one thousand eight hundred and fifty-
[SEAL.] nine, and of the independence of the United States the
eighty-third.

JAMES BUCHANAN.

By the President:

LEWIS CASE, Secretary of State.

*Treaty between the United States and the Yakama Nation of Indians.
(Concluded at Camp Stevens, Walla-Walla Valley, June 9, 1855. Ratified by the Senate, March 8, 1859. Proclaimed by the President of the United States, April 18, 1859.*

JAMES BUCHANAN,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING: June 9, 1855.

WHEREAS a treaty was made and concluded at the Treaty Ground, Camp Stevens, Walla-Walla Valley, on the ninth day of June, in the year one thousand eight hundred and fifty-five, between Isaac I. Stevens, governor, and superintendent of Indian affairs, for the Territory of Washington, on the part of the United States, and the hereinafter named head chief, chiefs, headmen and delegates of the Yakama, Palouse, Piquouse, Wenatchapam, Klikitat, Klinkit, Kow-was-say-ee, Li-ay-was, Skin-pah, Wish-ham, Shyika, Oche-chotes, Kah-wilt-pah, and Se-ap-cat, confederate tribes and bands of Indians, occupying lands lying in Washington Territory, who, for the purposes of this treaty, are to be considered as one nation, under the name of "Yakama," with Kamaiukun as its Head Chief, on behalf of and acting for said bands and tribes, and duly authorized thereto by them; which treaty is in the words and figures following, to wit:

Preamble.

Articles of agreement and convention made and concluded at the treaty ground, Camp Stevens, Walla-Walla Valley, this ninth day of June, in the year one thousand eight hundred and fifty-five, by and between Isaac I. Stevens, governor and superintendent of Indian affairs for the Territory of Washington, on the part of the United States, and the undersigned head chief, chiefs, headmen and delegates of the Yakama, Palouse, Piquouse, Wenatchapam, Klikitat, Klinkit, Kow-was-say-ee, Li-ay-was, Skin-pah, Wish-ham, Shyika, Oche-chotes, Kah-wilt-pah, and Se-ap-cat, confederate tribes and bands of Indians, occupying lands hereinafter bounded and described and lying in Washington Territory, who for the purposes of this treaty are to be considered as one nation, under the name of "Yakama," with Kamaiukun as its head chief, on behalf of and acting for said tribes and bands, and being duly authorized thereto by them.

Contracting parties.

ARTICLE I. The aforesaid confederate tribes and bands of Indians hereby cede, relinquish, and convey to the United States all their right, title, and interest in and to the lands and country occupied and claimed by them, and bounded and described as follows, to wit:

Cession of lands to the United States.

Commencing at Mount Ranier, thence northerly along the main ridge of the Cascade Mountains to the point where the northern tributaries of Lake Che-lan and the southern tributaries of the Methow River have their rise; thence southeasterly on the divide between the waters of Lake Che-lan and the Methow River to the Columbia River; thence, crossing the Columbia on a true east course, to a point whose longitude is one hundred and nineteen degrees and ten minutes (119° 10') which two latter lines separate the above confederate tribes and bands from the Oakeskane tribe of Indians; thence in a true south course to the

Boundaries.

forty-seventh (47°) parallel of latitude; thence east on said parallel to the main Palouse River, which two latter lines of boundary separate the above confederated tribes and bands from the Spokanes; thence down the Palouse River to its junction with the Moh-hub-ne-she, or southern tributary of the same; thence, in a southeasterly direction, to the Snake River, at the mouth of the Tucannon River, separating the above confederated tribes from the Nez Percé tribe of Indians; thence down the Snake River to its junction with the Columbia River; thence up the Columbia River to the "White banks," below the Priest's rapids; thence westerly to a lake called "La Lac;" thence southerly to a point on the Yakama River called Toh-mah-luke; thence, in a southwesterly direction, to the Columbia River, at the western extremity of the "Big Island," between the mouths of the Umatilla River and Butler Creek; all which latter boundaries separate the above confederated tribes and bands from the Walla-Walla, Cayuse, and Umatilla tribes and bands of Indians; thence down the Columbia River to midway between the mouths of White Salmon and Wind Rivers; thence along the divide between said rivers to the main ridge of the Cascade Mountains; and thence along said ridge to the place of beginning.

Reservation.

ARTICLE II. There is, however, reserved, from the lands above ceded for the use and occupation of the aforesaid confederated tribes and bands of Indians, the tract of land included within the following boundaries, to wit:

Boundaries.

Commencing on the Yakama River, at the mouth of the Attah-nam River; thence westerly along said Attah-nam River to the forks; thence along the southern tributary to the Cascade Mountains; thence southerly along the main ridge of said mountains, passing south and east of Mount Adams, to the spur whence flows the waters of the Klickitat and Pisco rivers; thence down said spur to the divide between the waters of said rivers; thence along said divide to the divide separating the waters of the Salassa River from those flowing into the Columbia River; thence along said divide to the main Yakama, eight miles below the mouth of the Salassa River; and thence up the Yakama River to the place of beginning.

Reservation to be set apart, &c. and Indians to settle thereon; whites not to reside thereon.

All which tract shall be set apart, and, so far as necessary, surveyed and marked out, for the exclusive use and benefit of said confederated tribes and bands of Indians, as an Indian reservation; nor shall any white man, excepting those in the employment of the Indian Department, be permitted to reside upon the said reservation without permission of the tribe and the superintendent and agent. And the said confederated tribes and bands agree to remove to, and settle upon, the same, within one year after the ratification of this treaty. In the mean time it shall be lawful for them to reside upon any ground not in the actual claim and occupation of citizens of the United States; and upon any ground claimed or occupied, if with the permission of the owner or claimant.

Guaranteeing, however, the right to all citizens of the United States, to enter upon and occupy as settlers any lands not actually occupied and cultivated by said Indians at this time, and not included in the reservation above named.

Improvements to be paid for by the United States.

And provided, That any substantial improvements heretofore made by any Indian, such as fields enclosed and cultivated, and houses erected upon the lands hereby ceded, and which he may be compelled to abandon in consequence of this treaty, shall be valued, under the direction of the President of the United States, and payment made therefor in money; or improvements of an equal value made for said Indian upon the reservation. And no Indian will be required to abandon the improvements aforesaid, now occupied by him, until their value in money, or improvements of an equal value shall be furnished him as aforesaid.

ARTICLE III. And provided, That, if necessary for the public con-

venience, roads may be run through the said reservation; and on the other hand, the right of way, with free access from the same to the nearest public highway, is secured to them; as also the right, in common with citizens of the United States, to travel upon all public highways.

The exclusive right of taking fish in all the streams, where running through or bordering said reservation, is further secured to said confederated tribes and bands of Indians, as also the right of taking fish at all usual and accustomed places, in common with citizens of the Territory, and of erecting temporary buildings for curing them; together with the privilege of hunting, gathering roots and berries, and pasturing their horses and cattle upon open and unclaimed land.

Privileges secured to Indians.

ARTICLE IV. In consideration of the above cession, the United States agree to pay to the said confederated tribes and bands of Indians, in addition to the goods and provisions distributed to them at the time of signing this treaty, the sum of two hundred thousand dollars, in the following manner, that is to say: sixty thousand dollars, to be expended under the direction of the President of the United States, the first year after the ratification of this treaty, in providing for their removal to the reservation, breaking up and fencing farms, building houses for them, supplying them with provisions and a suitable outfit, and for such other objects as he may deem necessary, and the remainder in annuities, as follows: for the first five years after the ratification of the treaty, ten thousand dollars each year, commencing September first, 1856; for the next five years, eight thousand dollars each year; for the next five years, six thousand dollars per year; and for the next five years, four thousand per year.

Payments by the United States;

All which sums of money shall be applied to the use and benefit of said Indians, under the direction of the President of the United States, who may from time to time determine, at his discretion, upon what beneficial objects to expend the same for them. And the superintendent of Indian affairs, or other proper officer, shall each year inform the President of the wishes of the Indians in relation thereto.

how to be applied.

ARTICLE V. The United States further agree to establish at suitable points within said reservation, within one year after the ratification hereof, two schools, erecting the necessary buildings, keeping them in repair, and providing them with furniture, books, and stationery, one of which shall be an agricultural and industrial school, to be located at the agency, and to be free to the children of the said confederated tribes and bands of Indians, and to employ one superintendent of teaching and two teachers; to build two blacksmiths' shops, in one of which shall be attached a tin shop, and to the other a gunsmith's shop; one carpenter's shop, one wagon and ploughmaker's shop, and to keep the same in repair and furnished with the necessary tools; to employ one superintendent of farming and two farmers, two blacksmiths, one tinner, one gunsmith, one carpenter, one wagon and ploughmaker, for the instruction of the Indians in trades and to assist them in the same; to erect one saw-mill and one flouring-mill, keeping the same in repair and furnished with the necessary tools and fixtures; to erect a hospital, keeping the same in repair and provided with the necessary medicines and furniture, and to employ a physician; and to erect, keep in repair, and provided with the necessary furniture, the buildings required for the accommodation of the said employees. The said buildings and establishments to be maintained and kept in repair as aforesaid, and the employees to be kept in service for the period of twenty years.

United States to establish schools,

mechanics' shops,

saw-mill and flouring-mill, hospital.

And in view of the fact that the head chief of the said confederated tribes and bands of Indians is expected, and will be called upon, to perform many services of a public character, occupying much of his time, the United States further agree to pay to the said confederated tribes and bands of Indians five hundred dollars per year, for the term of twenty years after the ratification hereof, as a salary for such person as the said

Salary to head chief; house, &c.

confederated tribes and bands of Indians may select to be their head chief; to build for him at a suitable point on the reservation a comfortable house and properly furnish the same, and to plough and fence ten acres of land. The said salary to be paid to, and the said house to be occupied by, such head chief so long as he may continue to hold that office.

Kamaiakun is the head chief.

And it is distinctly understood and agreed that at the time of the conclusion of this treaty Kamaiakun is the duly elected and authorized head chief of the confederated tribes and bands aforesaid, styled the Yakama nation, and is recognized as such by them and by the commissioners on the part of the United States holding this treaty; and all the expenditures and expenses contemplated in this article of this treaty shall be defrayed by the United States, and shall not be deducted from the annuities agreed to be paid to said confederated tribes and bands of Indians. Nor shall the cost of transporting the goods for the annuity payments be a charge upon the annuities, but shall be defrayed by the United States.

Reservation may be surveyed into lots, and assigned to individuals or families.

ARTICLE VI. The President may, from time to time, at his discretion, cause the whole or such portions of such reservation as he may think proper, to be surveyed into lots, and assign the same to such individuals or families of the said confederated tribes and bands of Indians as are willing to avail themselves of the privilege, and will locate on the same as a permanent home, on the same terms and subject to the same regulations as are provided in the sixth article of the treaty with the Omahas, so far as the same may be applicable.

Vol. x. p. 1044.

Annuities not to pay debts of individuals.

ARTICLE VII. The annuities of the aforesaid confederated tribes and bands of Indians shall not be taken to pay the debts of individuals.

Tribes to preserve friendly relations;

ARTICLE VIII. The aforesaid confederated tribes and bands of Indians acknowledge their dependence upon the government of the United States, and promise to be friendly with all citizens thereof, and pledge themselves to commit no depredations upon the property of such citizens.

to pay for depredations;

And should any one or more of them violate this pledge, and the fact be satisfactorily proved before the agent, the property taken shall be returned, or in default thereof, or if injured or destroyed, compensation may be made by the government out of the annuities.

not to make war but in self-defence;

Nor will they make war upon any other tribe, except in self-defence, but will submit all matters of difference between them and other Indians to the government of the United States or its agent for decision, and abide thereby. And if any of the said Indians commit depredations on any other Indians within the Territory of Washington or Oregon, the same rule shall prevail as that provided in this article in case of depredations against citizens. And the said confederated tribes and bands of Indians agree not to shelter or conceal offenders against the laws of the United States, but to deliver them up to the authorities for trial.

to surrender offenders.

Annuities may be withheld from those who drink ardent spirits.

ARTICLE IX. The said confederated tribes and bands of Indians desire to exclude from their reservation the use of ardent spirits, and to prevent their people from drinking the same, and, therefore, it is provided that any Indian belonging to said confederated tribes and bands of Indians, who is guilty of bringing liquor into said reservation, or who drinks liquor, may have his or her annuities withheld from him or her for such time as the President may determine.

Wenatshapam fishery reserved.

ARTICLE X. And provided, That there is also reserved and set apart from the lands ceded by this treaty, for the use and benefit of the aforesaid confederated tribes and bands, a tract of land not exceeding in quantity one township of six miles square, situated at the forks of the Piquosse or Wenatshapam River, and known as the "Wenatshapam fishery," which said reservation shall be surveyed and marked out whenever the President may direct, and be subject to the same provisions and restrictions as other Indian reservations.

When treaty to take effect.

ARTICLE XI. This treaty shall be obligatory upon the contracting parties as soon as the same shall be ratified by the President and Senate of the United States.

In testimony whereof, the said Isaac I. Stevens, governor and superintendent of Indian affairs for the Territory of Washington, and the undersigned head chief, chiefs, headmen, and delegates of the aforesaid confederated tribes and bands of Indians, have hereunto set their hands and seals, at the place and on the day and year hereinbefore written.

ISAAC I. STEVENS,
Governor and Superintendent. [L. S.]

KAMATAKUN,	his x mark.	[L. S.]
SKLOOM,	his x mark.	[L. S.]
OWIII,	his x mark.	[L. S.]
TE-COLE-KUN,	his x mark.	[L. S.]
LA-HOOM,	his x mark.	[L. S.]
ME-NI-NOCK,	his x mark.	[L. S.]
ELIJT PALMER,	his x mark.	[L. S.]
WISH-OGH-KMPTS,	his x mark.	[L. S.]
KOO-LAT-TOOSE,	his x mark.	[L. S.]
SHEE-AH-COTTE,	his x mark.	[L. S.]
TUCK-QUILLE,	his x mark.	[L. S.]
KA-LOO-AS,	his x mark.	[L. S.]
SCHIA-NOO-A,	his x mark.	[L. S.]
SLA-KISII,	his x mark.	[L. S.]

Signed and sealed in presence of—

JAMES DOTY, Secretary of Treaties,
MIE. CLES. PANDOX, O. M. T.,
Wm. C. McKAY,
W. H. TAPPAN, Sub Indian Agent, W. T.,
C. CHIMOUSE, O. M. T.,
PATRICK MCKENZIE, Interpreter,
A. D. PAMBURN, Interpreter,
JOEL PALMER, Superintendent Indian Affairs, O. T.,
W. D. BIGLOW,
A. D. PAMBURN, Interpreter.

And whereas, the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the said Senate did, on the eighth day of March, one thousand eight hundred and fifty-nine, advise and consent to the ratification of the same by a resolution in the words and figures following, to wit:

Ratification,
March 8, 1859.

"IN EXECUTIVE SESSION,
"SENATE OF THE UNITED STATES, March 8, 1859.

"Resolved, (two thirds of the senators present concurring,) That the Senate advise and consent to the ratification of treaty between the United States and the head chief, chiefs, headmen, and delegates of the Yakama, Palouse, and other confederated tribes and bands of Indians, occupying lands lying in Washington Territory, who, for the purposes of this treaty, are to be considered as one nation, under the name of "Yakama," with Kamaiakun as its head chief, signed 9th June, 1855.

"Attest:

"ASBURY DICKINS, Secretary."

Now, therefore, be it known that I, JAMES BUCHANAN, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of March eighth, one thousand eight hundred and fifty-nine, accept, ratify, and confirm the said treaty.

Proclamation,
April 18, 1859.

In testimony whereof, I have hereunto caused the seal of the United States to be affixed, and have signed the same with my hand.

Done at the city of Washington, this eighteenth day of April, in the year of our Lord one thousand eight hundred and fifty-nine, and of the independence of the United States the eighty-third.

By the President:

LEWIS CASS, Secretary of State.

JAMES BUCHANAN.

Treaty between the United States of America and the Nez Percé Indians. Concluded at Camp Stevens, in the Walla-Walla Valley, June 11, 1855. Ratified by the Senate, March 8, 1859. Proclaimed by the President of the United States, April 29, 1859.

JAMES BUCHANAN,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING: June 11, 1866.

Preamble.

WHEREAS a treaty was made and concluded at the treaty ground, Camp Stevens, in the Walla-Walla Valley, on the eleventh day of June, one thousand eight hundred and fifty-five, between Isaac I. Stevens, governor and superintendent of Indian affairs for the Territory of Washington, and Joel Palmer, superintendent of Indian affairs for Oregon Territory, on the part of the United States, and the hereinafter-named Chiefs, Headmen, and Delegates of the Nez Percé tribe of Indians occupying lands lying partly in Oregon and partly in Washington Territory, between the Cascade and the Bitter Root Mountains, on behalf of and duly authorized by said tribe, which said treaty is in the words and figures following, to wit:

Contracting parties.

Articles of agreement and convention made and concluded at the treaty ground, Camp Stevens, in the Walla-Walla Valley, this eleventh day of June, in the year one thousand eight hundred and fifty-five, by and between Isaac I. Stevens, governor and superintendent of Indian affairs for the Territory of Washington, and Joel Palmer, superintendent of Indian affairs for Oregon Territory, on the part of the United States, and the undersigned chiefs, headmen, and delegates of the Nez Percé tribe of Indians occupying lands lying partly in Oregon and partly in Washington Territories, between the Cascade and Bitter Root Mountains, on behalf of, and acting for said tribe, and being duly authorized thereto by them, it being understood that Superintendent Isaac I. Stevens assumes to treat only with those of the above-named tribe of Indians residing within the Territory of Washington, and Superintendent Palmer with those residing exclusively in Oregon Territory.

Cession of lands to the United States.

ARTICLE I. The said Nez Percé tribe of Indians hereby cede, relinquish and convey to the United States all their right, title, and interest in and to the country occupied or claimed by them, bounded and described as follows, to wit: Commencing at the source of the Wo-na-uc-she or southern tributary of the Palouse River; thence down that river to the main Palouse; thence in a southerly direction to the Snake River, at the mouth of the Tucanon River; thence up the Tucanon to its source in the Blue Mountains; thence southerly along the ridge of the Blue Mountains; thence to a point on Grand Ronde River, midway between Grand Ronde and the mouth of the Wolf-low-how River; thence along the divide between the waters of the Wolf-low-how and Powder River; thence to the crossing of Snake River, at the mouth of Powder River; thence to the Salmon River, fifty miles above the place known [as] the "crossing of the Salmon River;" thence due north to the summit of the Bitter Root Mountains; thence along the crest of the Bitter Root Mountains to the place of beginning.

Boundaries.

ARTICLE II. There is, however, reserved from the lands above ceded for the use and occupation of the said tribe, and as a general reservation

Reservation.

Boundaries.

for other friendly tribes and bands of Indians in Washington Territory, not to exceed the present numbers of the Spokane, Walla-Walla, Cayuse, and Umatilla tribes and bands of Indians, the tract of land included within the following boundaries, to wit: commencing where the Moh-hu-na-she or southern tributary of the Palouse River flows from the spurs of the Bitter Root Mountains; thence down said tributary to the mouth of the Ti-nat-pan-up Creek, thence southerly to the crossing of the Snake River ten miles below the mouth of the Al-po-wa-wi River; thence to the source of the Al-po-wa-wi River in the Blue Mountains; thence along the crest of the Blue Mountains; thence to the crossing of the Grand Ronde River, midway between the Grand Ronde and the mouth of the Well-low-how River; thence along the divide between the waters of the Well-low-how and Powder Rivers; thence to the crossing of the Snake River fifteen miles below the mouth of the Powder River; thence to the Salmon River above the crossing; thence by the spurs of the Bitter Root Mountains to the place of beginning.

Reservation to be set apart, &c., and Indians to settle thereon.

Whites not to reside thereon without, &c.

Improvements to be paid for by the United States.

Roads may be made.

Privileges secured to Indians.

Payments by the United States.

All which tract shall be set apart, and, so far as necessary, surveyed and marked out for the exclusive use and benefit of said tribe as an Indian reservation; nor shall any white man, excepting those in the employment of the Indian department, be permitted to reside upon the said reservation without permission of the tribe and the superintendent and agent; and the said tribe agrees to remove to and settle upon the same within one year after the ratification of this treaty. In the mean time it shall be lawful for them to reside upon any ground not in the actual claim and occupation of citizens of the United States, and upon any ground claimed or occupied, if with the permission of the owner or claimant, guarantying, however, the right to all citizens of the United States to enter upon and occupy as settlers any lands not actually occupied and cultivated by said Indians at this time, and not included in the reservation above named. And provided that any substantial improvement heretofore made by any Indian, such as fields enclosed and cultivated, and houses erected upon the lands hereby ceded, and which he may be compelled to abandon in consequence of this treaty, shall be valued under the direction of the President of the United States, and payment made therefor in money, or improvements of an equal value be made for said Indian upon the reservation, and no Indian will be required to abandon the improvements aforesaid, now occupied by him, until their value in money or improvements of equal value shall be furnished him as aforesaid.

ARTICLE III. And provided that, if necessary for the public convenience, roads may be run through the said reservation, and, on the other hand, the right of way with free access from the same to the nearest public highway is secured to them, as also the right, in common with citizens of the United States, to travel upon all public highways. The use of the Clear Water and other streams flowing through the reservation is also secured to citizens of the United States for rafting purposes, and as public highways.

The exclusive right of taking fish in all the streams where running through or bordering said reservation is further secured to said Indians; as also the right of taking fish at all usual and accustomed places in common with citizens of the Territory; and of erecting temporary buildings for curing, together with the privilege of hunting, gathering roots and berries, and pasturing their horses and cattle upon open and unclaimed land.

ARTICLE IV. In consideration of the above cession, the United States agree to pay to the said tribe in addition to the goods and provisions distributed to them at the time of signing this treaty, the sum of two hundred thousand dollars, in the following manner, that is to say, sixty thousand dollars, to be expended under the direction of the President of the United States, the first year after the ratification of this

treaty, in providing for their removal to the reserve; breaking up and fencing farms, building houses, supplying them with provisions and a suitable outfit, and for such other objects as he may deem necessary, and the remainder in annuities, as follows: for the first five years after the ratification of this treaty, ten thousand dollars each year, commencing September 1, 1856; for the next five years, eight thousand dollars each year; for the next five years, six thousand each year, and for the next five years, four thousand dollars each year.

All which said sums of money shall be applied to the use and benefit of the said Indians, under the direction of the President of the United States, who may from time to time determine, at his discretion, upon what beneficial objects to expend the same for them. And the superintendent of Indian affairs, or other proper officer, shall each year inform the President of the wishes of the Indians in relation thereto.

ARTICLE V. The United States further agree to establish, at suitable points within said reservation, within one year after the ratification hereof, two schools, erecting the necessary buildings, keeping the same in repair, and providing them with furniture, books, and stationery, one of which shall be an agricultural and industrial school, to be located at the agency, and to be free to the children of said tribe, and to employ one superintendent of teaching and two teachers; to build two blacksmith's shops, to one of which shall be attached a tin shop and to the other a gunsmith's shop; one carpenter's shop, one wagon and ploughmaker's shop, and to keep the same in repair, and furnished with the necessary tools; to employ one superintendent of farming and two farmers, two blacksmiths, one tinner, one gunsmith, one carpenter, one wagon and ploughmaker, for the instruction of the Indians in trades, and to assist them in the same; to erect one saw-mill and one flouring-mill, keeping the same in repair, and furnished with the necessary tools and fixtures, and to employ two millers; to erect a hospital, keeping the same in repair, and provided with the necessary medicines and furniture, and to employ a physician; and to erect, keep in repair, and provide with the necessary furniture the buildings required for the accommodation of the said employees. The said buildings and establishments to be maintained and kept in repair as aforesaid, and the employees to be kept in service for the period of twenty years.

And in view of the fact that the head chief of the tribe is expected, and will be called upon, to perform many services of a public character, occupying much of his time, the United States further agrees to pay to the Nez Percé tribe five hundred dollars per year for the term of twenty years, after the ratification hereof, as a salary for such person as the tribe may select to be its head chief. To build for him, at a suitable point on the reservation, a comfortable house, and properly furnish the same, and to plough and fence for his use ten acres of land. The said salary to be paid to, and the said house to be occupied by, such head chief so long as he may be elected to that position by his tribe, and no longer.

And all the expenditures and expenses contemplated in this fifth article of this treaty shall be defrayed by the United States, and shall not be deducted from the annuities agreed to be paid to said tribe, nor shall the cost of transporting the goods for the annuity payments be a charge upon the annuities, but shall be defrayed by the United States.

ARTICLE VI. The President may from time to time, at his discretion, cause the whole, or such portions of such reservation as he may think proper, to be surveyed into lots, and assign the same to such individuals or families of the said tribe as are willing to avail themselves of the privilege, and will locate on the same as a permanent home, on the same terms and subject to the same regulations as are provided in the sixth article of the treaty with the Omahas in the year 1854, so far as the same may be applicable.

Payments how to be applied

United States to establish schools, &c.

to build mechanics' shops, &c.

saw-mill.

hospital.

Salary to head-chief, house, &c.

Reservation may be surveyed into lots and assigned to individuals or families.

JAMES DOTT, *Secretary of Treaties, W. T.*
WM. C. MCKAY, *Secretary of Treaties, O. T.*
W. H. TAFFAN, *Sub-Indian Agent,*
WILLIAM CRAIG, *Interpreter,*
A. D. PAMUERN, *Interpreter,*
WM. McBEAN,
GEO. C. BOMFORD,
C. CHIROUSE, *O. M. T.*
MIC. CLES. PANDORY,
LAWRENCE KIR,
W. H. PEARSON.

TREATY WITH THE NEZ PERCÉS. JUNE 11, 1855.

Ratification,
March 8, 1859.

And whereas the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the eighth day of March, eighteen hundred and fifty-nine, advise and consent to the ratification of the same, by a resolution, in the words and figures following, to wit:

"IN EXECUTIVE SESSION,

"SENATE OF THE UNITED STATES, March 8, 1859.

"Resolved, (two thirds of the senators present concurring.) That the Senate advise and consent to the ratification of treaty between the United States and the chiefs, headmen and delegates of the Nez Percé tribe of Indians, occupying lands lying partly in Washington and partly in Oregon Territories, between the Cascade and Bitter Root Mountains, signed 11th day June, 1855.

"Attest:

"ASBURY DICKINS, Secretary."

Proclamation,
April 29, 1859.

Now, therefore, be it known that I, JAMES BUCHANAN, President of the United States of America, do, in pursuance of the advice and consent of the Senate as expressed in their resolution of the eighth of March, eighteen hundred and fifty-nine, accept, ratify, and confirm the said treaty.

In testimony whereof, I have caused the seal of the United States to be hereto affixed, and have signed the same with my hand.

Done at the city of Washington, this twenty-ninth day of April, in the year of our Lord one thousand eight hundred and fifty-nine, and of the independence of the United States the eighty-third.

By the President:

LEWIS CASS, Secretary of State.

JAMES BUCHANAN.

TREATY WITH INDIANS IN MIDDLE OREGON. JUNE 25, 1855. 963

Treaty between the United States and the confederated tribes and bands of Indians in Middle Oregon. Concluded at Wasco, in Oregon Territory, June 25, 1855. Ratified by the Senate, March 8, 1859. Proclaimed by the President of the United States, April 18, 1859.

JAMES BUCHANAN,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING: June 25, 1855.

Preamble.

WHEREAS a treaty was made and concluded at Wasco, near the Dalles of the Columbia River, in Oregon Territory, on the twenty-fifth day of June, eighteen hundred and fifty-five, between Joel Palmer, superintendent of Indian affairs for the said Territory, on the part of the United States, and the following-named chiefs and headmen of the confederated tribes and bands of Indians residing in Middle Oregon, they being authorized thereto by their respective bands, to wit: Syntustus, Locks-quis-sa, Shick-a-me, and Kuck-up, chiefs of the Ta-ih or Upper De Chutes band of Walla-Wallas; Stocket-ly and Iso, chiefs of the Wyam or Lower De Chutes band of Walla-Wallas; Alexis and Talk-ish, chiefs of the Tenino band of Walla-Wallas; Yise, chief of the Dock-apus or John Day's River band of Walla-Wallas; Mark, William Chenook, and Cash-Kella, chiefs of the Dalles band of the Wascoes; Toh-simph, chief of the Ki-gul-twal-la band of the Wascoes, and Wal-la-chin, chief of the Dog River band of the Wascoes; which treaty is in the words and figures following, to wit:

Articles of agreement and convention made and concluded at Wasco, near the Dalles of the Columbia River, in Oregon Territory, by Joel Palmer, superintendent of Indian affairs, on the part of the United States, and the following-named chiefs and headmen of the confederated tribes and bands of Indians, residing in Middle Oregon, they being duly authorized thereto by their respective bands, to wit: Syntustus, Locks-quis-sa, Shick-a-me, and Kuck-up, chiefs of the Ta-ih or Upper De Chutes band of Walla-Wallas; Stocket-ly and Iso, chiefs of the Wyam or Lower De Chutes band of Walla-Wallas; Alexis and Talk-ish, chiefs of the Tenino band of Walla-Wallas; Yise, chief of the Dock-apus or John Day's River band of Walla-Wallas; Mark, William Chenook, and Cash-Kella, chiefs of the Dalles band of the Wascoes; Toh-simph, chief of the Ki-gul-twal-la band of the Wascoes; and Wal-la-chin, chief of the Dog River band of the Wascoes.

ARTICLE I. The above-named confederated bands of Indians cede to the United States all their right, title, and claim to all and every part of the country claimed by them, included in the following boundaries, to wit:

Commencing in the middle of the Columbia River, at the Cascade Falls, and running thence southerly to the summit of the Cascade Mountains; thence along said summit to the forty-fourth parallel of north latitude; thence east on that parallel to the summit of the Blue Mountains, or the western boundary of the Sho-sho-ne or Snake country; thence northerly along that summit to a point due east from the head waters of Willow Creek; thence west to the head waters of said creek; thence down said stream to its junction with the Columbia River; and thence

Cession of
lands to the
United States.

Boundaries.

Pro-